REMARKS/ARGUMENTS

The Office Action dated February 3, 2010 has been carefully reviewed. Reconsideration of the objections and rejections contained therein is respectfully requested in view of the following remarks. Claims 35-40, 42-48, 51, 53, 55-57, 59-62, 64-66, and 74-94 are pending in the application.

Allowable Subject Matter

Applicant notes with appreciation the indication on page 17 of the Office Action that claims 35, 43-47, 51, and 76-80 are allowed.

Claim Objections

Claim 35 stands objected to for depending from a higher numbered independent claim. While Applicant appreciates the Examiner's concern, the original numbering of the claims must be preserved throughout the prosecution. To the extent that certain claims become out of order during prosecution, they will be renumbered when the application is ready for allowance. MPEP § 608.01(j). Accordingly, Applicant respectfully submits that this objection is inappropriate at this time, and requests that it be withdrawn.

35 U.S.C. § 103 Rejections

Claims 36-40, 48, 53, 55-57, 59-62, 64-66, 74-75, 82, 84, 86, 88, 90, and 92 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,567,482 to Papovic (hereinafter "Papovic") in view of U.S. Patent No. 6,169,759 to Kanterakis (hereinafter "Kanterakis"). Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Papovic in view of Kanterakis and in further view of U.S. Patent 6,836,469 to Gustafsson et al. (hereinafter "Gustafsson"). Claims 81, 83, 85, 87, 89, 91, and 93 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Papovic in view of Kanterakis and in further view of U.S. Patent 5,012,469 to Sardana (hereinafter "Sardana"). Applicant respectfully traverses this rejection, as detailed below.

Papovic as applied teaches that "[i]nformation on what access slots are available in the current cell is broadcast by the base station on a downlink broadcast channel." (Papovic, col. 13, lines 25-28; see also, step 220 of FIG. 9.) Based on this "information" about the available RACH

slots, "the mobile station generates a random access burst" and transmits it to the base station. (Papovic, col. 13, lines 61-66.) The new secondary reference Kanterakis is introduced simply to show that the length of such a random access burst by a mobile station can be variable, ranging from merely a few slots to many frames. (Office Action, pgs. 3-4.)

Even if the Examiner is correct in characterizing the teachings of Kanterakis, and even if the proposed modification to Papovic were to be made, the proposed modification would not affect the "information" about the available RACH slots in Papovic that the Examiner is reading on the claimed "parameter" at issue, such as recited in claim 36, for example. Allowing the traffic burst transmitted by the mobile station to vary in length does not change the definition of the allowed access slots advertised by the base station. The base station in Papovic would still broadcast the same "[i]nformation on what access slots are available in the current cell," and this information would still be fixed, in contrast to the dynamically adjustable parameter claimed.

In case the term "available" as used in Papovic is causing some confusion, Applicant notes that that the "available" random access channel access slots broadcast by the base station in Papovic are the allowed access slots defined by the selected RACH time offsets. (See, e.g., Papovic, col. 13, lines 24-28, "The different time offsets are shown as access slots and are spaced 1.25 milliseconds apart. Information on what access slots are available in the current cell is broadcast by the base station on a downlink broadcast channel.") Broadcasting "what access slots are available in the current cell" is not an indication of which allowed access slots are "available" in the sense that they are not already reserved by other mobile stations – the RACH is a random access channel, so access slots are not reserved ahead of time and the base station does not even know which access slots will be used. While a mobile station may use the information broadcast by the base station regarding the available access time slots when selecting the particular access time slots on which to transmit the burst, the reverse is not true. The definition of the available access slots for the RACH in Papovic is not affected by the number of slots a given mobile station decides to use for a particular burst of traffic.

Accordingly, Papovic and Kanterakis as applied fail to teach or suggest "receiving a dynamically adjustable parameter defining allowed access slots of a physically existing random access channel" as recited in independent claim 36, for example. Even under the Examiner's proposed modification, the definition of the allowed access slots of the RACH in Papovic is fixed, not dynamically adjustable as claimed.

The remaining independent claims (i.e., claims 37, 53, 55, 64, 74, 75) recite related subject matter to the above-identified independent claim 36, and are therefore allowable for reasons similar to those given above. Further, the dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.
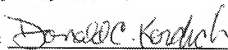
CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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